ORDER RECEIVED FOR FILING
Date 6/4/02
By 1. Junear

IN RE: PETITION FOR VARIANCE
N/S of Stumpfs Road, 7000
+/- NE of Ebenezer Road
15th Election District
6th Councilmanic District
(1224 Stumpfs Road)

Patricia E. Stevenson

Petitioner

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 02-426-A

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Patricia E. Stevenson. The variance request involves property located at 1224 Stumpfs Road, located in the Bird River area of Baltimore County. The variance request is from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations, to permit a proposed dwelling with a side property line setback of 14 ft. and 10 ft. in lieu of 35 ft. and to approve an undersized lot.

Appearing at the hearing on behalf of the variance request were Patricia and Thomas Stevenson and Roger Mann. There were no others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.27 acres, more or less, zoned R.C.2. The subject property is currently improved with an old shore home, which has been on the property for some time. The property owners are desirous of tearing down the old shore shack and constructing a new single-family dwelling in its place. The details of the location of the new dwelling, as well as the old, are shown on the site plan submitted into evidence as Petitioner's Exhibit No. 1. In order to proceed with the construction of a new home on their property, the variance request is necessary. However, it should be noted that the house to be constructed shall be situated in the same proximate location as the old home.

ORDER RECEIVED FOR FILING Date 4/02

After considering the testimony and evidence offered by the Petitioner and the lack of opposition thereto, I find that the variance should be granted to allow them to construct a new dwelling on this property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioner and her property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this day of June, 2002, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1A01.3.B.3 of the B.C.Z.R., to permit a proposed dwelling with a side property line setback of 14 ft. and 10 ft. in lieu of 35 ft. and to approve an undersized lot, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for her permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

TIMOTHY M. KOTRÓCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

June 4, 2002

Ms. Patricia E. Stevenson 3419 Northwind Road Baltimore, Maryland 21234

> Re: Petition for Variance Case No. 02-426-A

> > Property: 1224 Stumpfs Road

Dear Ms. Stevenson:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,
buthy 16 troco

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

c: Roger Mann 14420 Misty Valley Rd Phoenix MD 21131



IMPERSIZED FILE TO O.P. 4/02/02 CRITICAL/Flood PLAIN

to the Zoning Commissioner of Baltimore County

for the property located at 1224 STUMPFS ROAD

which is presently zoned ASS RC-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1AO1, 3,B, 3, TO PERMIT A PROPOSED DUELLING WITH (SIDE) PROPERTY LINE SETBACKS OF AS CLOSE AS 14 FT, AND 10 FT, RESPECTIVELY AND TO APPROVE AN INDERSIZED LOT.

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	I, or we, agree to p	posted and advertised a ay expenses of above Var strictions of Baltimore Cour	iance, advertising, po	e zoning regulations. psting, etc. and further agree to the zoning law for Baltimore [//We do solemnly declar	e County.	
				perjury, that I/we are the is the subject of this Pet	legal owner(s) of the	property which
	Contract Purc	haser/Lessee:		Legal Owner(s):	- 0	1
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	Signature		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Signature		
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	City	State	Zip Code	Signature		
	Attorney For F	etitioner:		3419 NORTHI		10-256-8862 Telephone No.
				BALTIMORE	Md State	21234 Zip Code
	Name - Type or Print			City		Zip Code
ry)	Signature			Representative to	be Contacted: E. Stevenson	
A Section of the sect	Company	VVIII de la constantina della		Name		40-256-8862
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1224 STUMPFS RD.

BEGINNING AT A POINT ON THE NEXTH SIDE OF STUMPES RD (36 FT WIDE) AT A DISTANCE OF 7,000 FT, ±. NORTH EAST OF EBENEZER RD, BEING LOT #7 AS RECORDED IN THE PLAT OF BIRD RIVER VIEW IN PLAT BOOK OB FOLIO 84, CONTAINING 27AC ! IN THE 15TH ELECTION DISTRICT, GTH COUNCIL DISTRICT,

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NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore's County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson Maryland on the property identified herein as follows:

Case: #02-426-A
1224 Stumpfs Road
N/S of Stumpfs Road, 7000
+/- NE of Ebenezer Road
15th Election District
6th Councilmanic District
Legal Owner(s): Patricia E.
Stevenson
Variance: to permit a proposed dwelling with (side)
property line setbacks of as
close as 14 feet and 10 feet
respectively. In lieu of 35
feet.

Hearing: Thursday, May 23, 2002 at 2:00 p.m. In Room 106, Ballimore County Office Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386;
(2) For information concerning the File and/on
Hearing, Contact the Zoning

Review Office at (410) 887-3391 5/170 May 9 C537364

CERTIFICATE OF PUBLICATION

5/9/ 2002
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on <u>519</u> ,2002.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

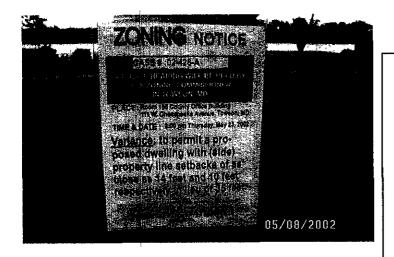
RE: CASE # 02-426-A
PETITIONER/DEVELOPER:
PATRICIA E. STEVENSON
DATE OF HEARING:
MAY 23, 2002

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: GEORGE ZAHNER

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT



LOCATION:

North side of Stumpfs Road, 7000' +- Northeast of Ebenezer Road

DATE: May 9, 2002

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD SUITE 100 320EAST TOWSONTOWN BLVD TOWSON, MARYLAND 21286 410-823-4470 PHONE 410-823-4473 FAX

POSTED ON: May 8, 2002

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 02 426 A
Petitioner: Patricia Stevenson
Address or Location: 1224 Stumpts Rd
PLEASE FORWARD ADVERTISING BILL TO:
Name: Tracy Morrow
Address: 57 Stone Park Pl.
Baltimore, Mol. 21236
Teiephone Number 410-629-8168

TO: PATUXENT PUBLISHING COMPANY

Thursday, May 9, 2002 Issue – Jeffersonian

Please forward billing to:

Tracy Morrow 57 Stone Park Place Baltimore MD 21236

410 529-8168

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-426-A 1224 Stumpfs Road N/S of Stumpfs Road, 7000' +/- NE of Ebenezer Road 15th Election – 6th Councilmanic District

Legal Owner: Patricia E Stevenson

<u>Variance</u> to permit a proposed dwelling with (side) property line setbacks of as close as 14 feet and 10 feet respectively in lieu of 35 feet.

HEARING: Thursday, May 23, 2002 at 2:00 p.m. in Room 106, Baltimore County

Office Building, 111 W Chesapeake Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.







Baltimore County Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

May 17, 2002

Patricia E. Stevenson 3419 Northwind Road Baltimore MD 21234

Dear Ms. Stevenson:

RE: Case Number: 02-426-A, 1224 Stumpfs Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 4/2/02.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

Carl Richards J/M W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:rjc

Enclosures

c: People's Counsel







Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

April 18,2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF April 8, 2002

Item No.: See Below

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

426-435, 437-439

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

COUNTY REVIEW GROUP MEETING (PRIVATE)

Sint 3/23

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

.

DATE: May 21, 2002

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for April 22, 2002 Item No. 426

The Bureau of Development Plans Review has reviewed the subject zoning items.

Flood protection elevation for this site is 11 feet.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

In accordance with Bill No. 18-90, Section 26-276, filling within a flood plain is prohibited.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential development.

The building engineer shall require a permit for this project.

Building shall be designed and adequately anchored to prevent floatation, collapse or lateral movement of structure with materials resistant to flood damage.

Flood resistant construction shall be in accordance with requirement of BOCA International Building Code adopted by the County.

RWB:CEN:cab

cc: File

Simi 5/23

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

DATE: May 30, 2002

TO:

Arnold Jablon

FROM:

R. Bruce Seeley & 161

DATE:

May 30, 2002

SUBJECT:

Zoning Item 426

Address 1224 Stumpfs Road

Zoning Advisory Committee Meeting of 4/22/02

Ground Water Management Comments:

An evaluation of the well and septic system will be required prior to building permit approval. Soil evaluations will be required.

Reviewer: Sue Farinetti

<u>Date</u>: May 13, 2002

Environmental Impact Review

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

Proposed house should be shifted 4 feet to be out of the 100 foot shoreline buffer.

Reviewer: Glen Shaffer Date: 5/13/02



Maryland Department of Transportation State Highway Administration



Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 4.18.07

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: B

Baltimore County

Item No. 426

JL

Dear. Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

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Sim 3/23

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 23, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

APK 3 ()

SUBJECT:

1224 Stumpfs Road

INFORMATION:

Item Number:

02-426

Petitioner:

Patricia E. Stevenson

Zoning:

RC₂

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request for variance from the required lot line setback germane to the subject property. However, this office <u>does not</u> support the dwelling that has been selected for construction at the subject site. The petitioner should select a structure that fits into the existing housing pattern of the community. Said structure should be compatible in size, shape, architectural features, and relationship with the street. After the petitioner has located such structure, he or she should submit building elevations of the same to the Office of Planning for review and approval.

Prepared by:

Section Chief:

AFK/LL:MAC

RE: PETITION FOR VARIANCE
1224 Stumpfs Road, N/S Stumpfs Rd,
7000' +/- NE of Ebenezer Rd
15th Election District, 6th Councilmanic
Lacal Oryman, Patricia E. Storrangon

Legal Owner: Patricia E. Stevenson Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 02-426-A

* * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter May Umneiman PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

rule S. Samilio

CAROLE S. DEMILIO Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of May, 2002 a copy of the foregoing Entry of Appearance was mailed to Legal Owner Patricia E. Stevenson, 3419 Northwind Road, Baltimore, MD 21234, Petitioner.

PETER MAX ZIMMERMAN

RECOMMENDATION F TO: Director, Office of Planning & Co unity Conservation FILING PACKTO O.P. A/02/02 nit or Case No Attention: Jeffrey Long County Courts Building, Room 406 401 Bosley Avenue Towson, MD 21204 Residential Processing Fee Paid (\$50.00)FROM: Arnold Jablon, Director Department of Permits & Development Management RE: Undersized Lots Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit MINIMUM APPLICANT SUPPLIED INFORMATION: Stone Lark Place 21236 Election District S Councilmanic District Square Feet feet from N E & W)corner of elephone Number CHECKLIST OF MATERIALS-. (to be submitted for design review by the Office of Planning and Community Conservation) TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY! PROVIDED? NO 1. This Recommendation Form (3 copies) 2. Permit Application 3. Site Plan Property (3 copies) Topo Map (2 copies): available in Room 206, County Office Building - (please label site clearly) 4. Building Elevation Drawings 5. Photographs (please label all photos clearly) Adjoining Buildings Surrounding Neighborhood 6. Current Zoning Classification: TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY! **RECOMMENDATIONS / COMMENTS:** Approval conditioned on required modifications of the application to conform with the following recommendations should fit who the existing Cummuni Housing design should be compatible with the character of the

for the Director, Office of Planning and Community Conservation

CORRESPONDENCE

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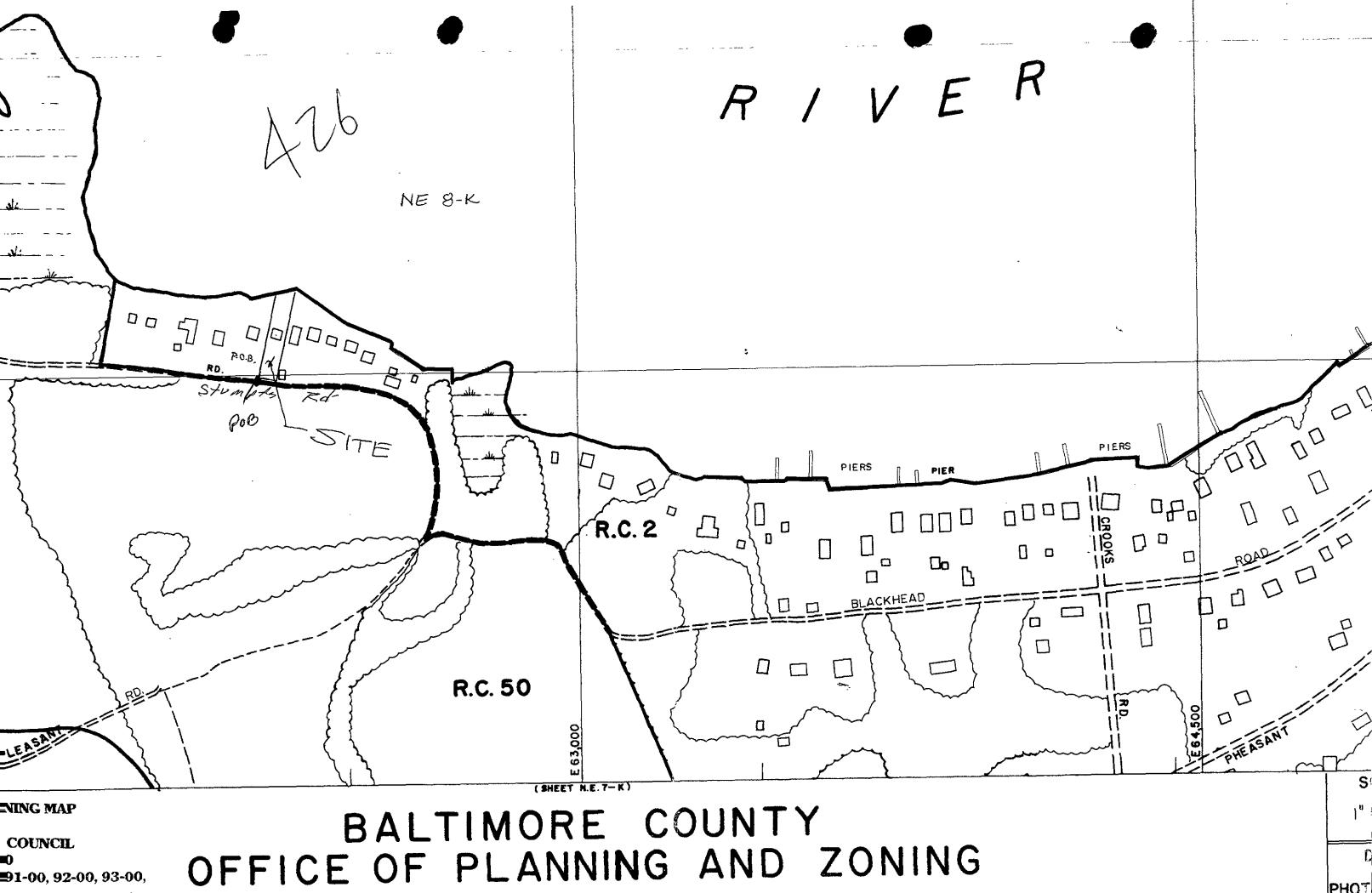
Case Number 02 - 426-A 5/23/02

PLEASE PRINT LEGIBLY

SIGN-IN SHEET

Name	Address	City, State	Zip Code
Patricia Stevenson	N 3419 Northwin Ska	SBelf Mo	21234
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Royar Mann	Address N 3419 Northwindles 11 11 14420 Misty Valley Rd	Phoenix, MD	21131
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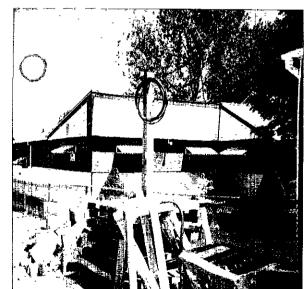
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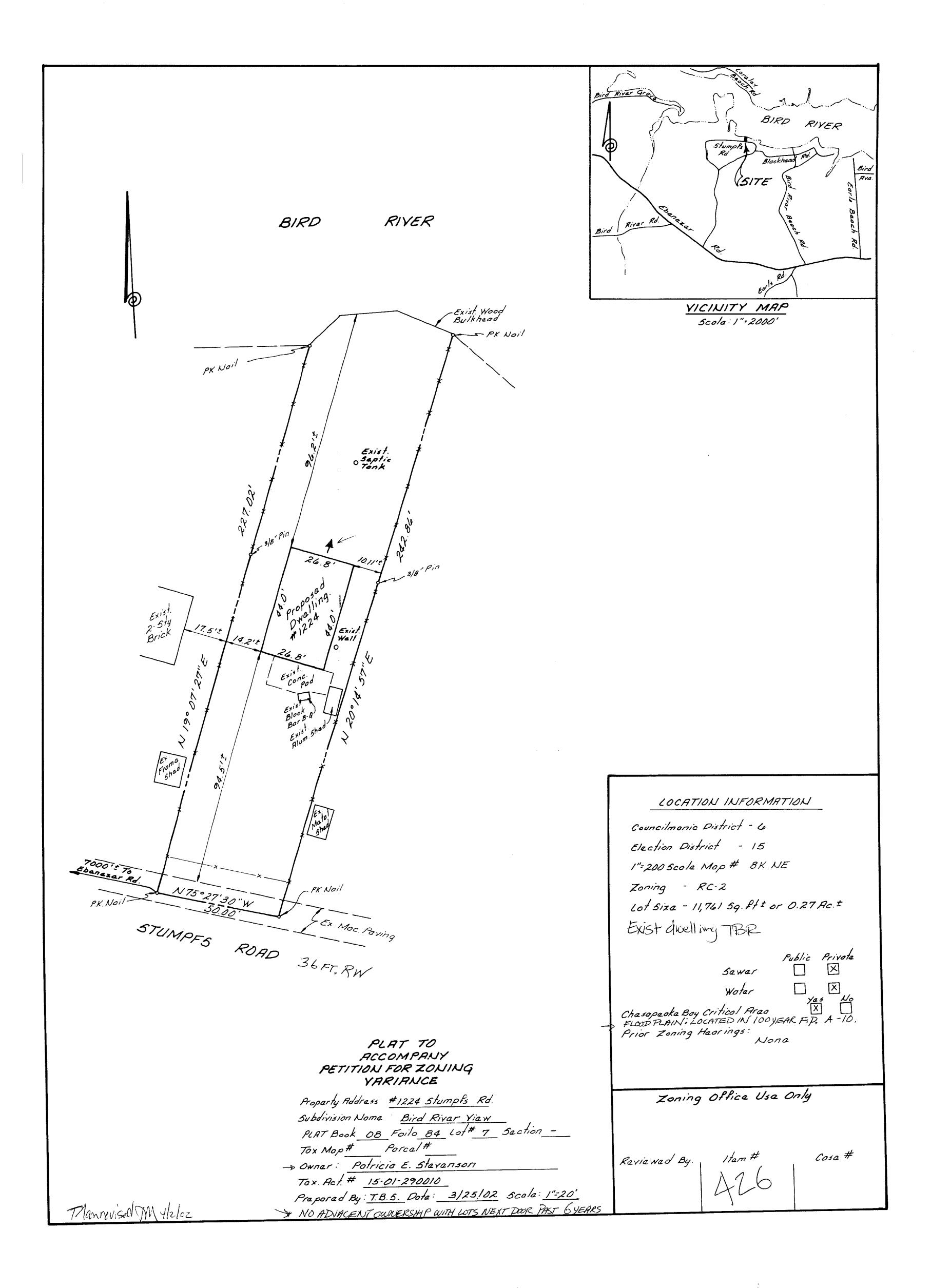






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